

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: U.S. Patent No. 6,403,770
Inventor(s): Yu et al.
Issued: June 11, 2002
Applicant: Human Genome Sciences Inc.
Docket No.: PF343P3C1
FDA Approval: BLA 125370 (BENLYSTA[®])

Mail Stop Hatch-Waxman PTE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL FOR APPLICATION FOR EXTENSION OF PATENT

Sir:

Transmitted herewith for filing is an Application For Extension of Patent Term Under 35 U.S.C. §156 with respect to the above-identified patent.

Applicant, the assignee of the above-referenced patent, on this day has filed simultaneously three related applications for extension of patent term under 35 U.S.C. §156, including the present application in regard to the patent referenced in the header above. These three patent term extension applications all follow the approval by the FDA of BLA 125370 for BENLYSTA[®] and individually concern U.S. Patent No. 6,403,770, U.S. Patent No. 7,138,501, and U.S. Patent No. 7,879,328.

Applicant respectfully requests that if the Commissioner determines that more than one of U.S. Patent No. 6,403,770, U.S. Patent No. 7,138,501, and U.S. Patent No. 7,879,328 would be entitled to a patent term extension, that the Commissioner establish a time period in accord with the policies set forth in MPEP § 2761 within which the Applicant will be permitted to elect

U.S. Patent No. 6,403,770
Transmittal Application for Extension of Patent

the patent for which extension is desired and/or to voluntarily withdraw one or more applications. At that time, Applicant will elect and/or withdraw applications for patent term extension as appropriate.

In light of the above, and in accordance with the requirements of 35 U.S.C. § 156, attached for the patent and NDA approval identified in the above header are the following:

- 1) Application For Extension of Patent Term (including Attachments A-H) – Application 12 pages and Attachments 250 pages for 262 pages total;
- 2) Extra copy 1 of Application for Extension of Patent Term (including Attachments A-H) – Application 12 pages and Attachments 250 pages for 262 pages total; and
- 3) Extra copy 2 of Application for Extension of Patent Term (including Attachments A-H) – Application 12 pages and Attachments 250 pages for 262 pages total.

☒ Please charge my Deposit Account No. 50-1349 the amount of \$1,120.00, which is believed to be the appropriate fee for a patent term extension as established by 37 C.F.R. § 1.20(j),.

☒ The Commissioner is hereby authorized to charge payment of any fees associated with or necessary for the prosecution of this patent term extension application, including debiting any deficit or crediting any overpayment relating to the fee identified above, to Deposit Account No. 50-1349.

Respectfully submitted,

HOGAN LOVELLS US LLP

Dated: April 8, 2011

HOGAN LOVELLS US LLP

555 Thirteenth Street, N.W.


Washington, D.C. 20004

Telephone: 202-637-6466

Facsimile: 202-637-5910

e-mail: kevin.shaw@hoganlovells.com

Customer No. 24633

By: 
Kevin G. Shaw
Registration No. 43,110